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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-337

13 **STEFANI LEANNE HARDING,**
aka STEFANI LEANNE FARIA
14 **2808 N. Quincy Street**
Visalia, CA 93291

A C C U S A T I O N

15 **Registered Nurse License No. 730578**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

22 2. On or about July 10, 2008, the Board issued Registered Nurse License Number
23 730578 to Stefani Leanne Harding, also known as Stefani Leanne Faria ("Respondent").
24 Respondent's registered nurse license was in full force and effect at all times relevant to the
25 charges brought herein and will expire on October 31, 2013, unless renewed.

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STATUTORY AND REGULATORY PROVISIONS

3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions . . .

6. California Code of Regulations, title 16, section ("Regulation") 1442 states:

As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life.

7. Regulation 1443 states:

As used in Section 2761 of the code, "incompetence" means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5.

COST RECOVERY

8. Code section 125.3 states, in pertinent part:

(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department or before the Osteopathic Medical Board, upon request of the entity bringing the proceeding, the administrative law judge may direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of

1 the investigation and enforcement of the case.

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3 (i) Nothing in this section shall preclude a board from including the
4 recovery of the costs of investigation and enforcement of a case in any stipulated
5 settlement . . .

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Gross Negligence)**

8 8. At all times relevant to the charges brought herein, Respondent was employed as a
9 registered nurse in the Labor and Delivery Unit at Tulare Regional Medical Center located in
10 Tulare, California.

11 9. On or about April 13, 2010, Respondent was working a 12 hour shift (1900 to 0700
12 hours) and was assigned two patients, a patient on Magnesium Sulfate to arrest preterm labor and
13 a patient on Pitocin for induction of labor. The induction patient had also received a labor
14 epidural.

15 10. On or about April 14, 2010, at approximately 2400 hours (midnight), Respondent told
16 her co-workers that she was leaving for a 15 minute break. Later, Respondent's co-workers
17 reported to Nursing Administration that Respondent failed to return to her patient assignments for
18 approximately 1½ hours, was not observed going into her patients' rooms from approximately
19 0300 to 0600 hours, and was observed sleeping at the nurses' station for a significant portion of
20 the above time periods. Nursing Administration subsequently reviewed the electronic charts for
21 both patients and discovered that Respondent had not made any real time computer entries during
22 the time she was gone from the unit for 1½ hours as above and from approximately 0320 and
23 0609 hours. Nursing Administration also found that Respondent had made late entries in both
24 charts and had "backfilled" the entries to cover the gaps in her charting.

25 11. Respondent is subject to disciplinary action pursuant to Code section 2761,
26 subdivision (a)(1), on the grounds of unprofessional conduct, in that on or about April 14, 2010,
27 Respondent was guilty of gross negligence in her care of the two patients within the meaning of
28 Regulation 1442, as follows: Respondent failed to perform frequent assessments of the patients

1 and failed to timely document her findings/assessments and the care she provided to the patients
2 as required by the medical centers' written policies and procedures.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Incompetence)**

5 12. Complainant incorporates by reference as though fully set forth herein the allegations
6 contained in paragraphs 9 through 11 above.

7 13. Respondent is subject to disciplinary action pursuant to Code section 2761,
8 subdivision (a)(1), on the grounds of unprofessional conduct, in that on or about April 14, 2010,
9 Respondent was guilty of incompetence in her care of the two patients within the meaning of
10 Regulation 1443, as follows: Respondent abandoned her patients for significant periods of time,
11 including failing to perform close surveillance of the patients' vital signs, some of which needed
12 to be assessed at the bedside.

13 **THIRD CAUSE FOR DISCIPLINE**

14 **(Unprofessional Conduct)**

15 14. Complainant incorporates by reference as though fully set forth herein the allegations
16 contained in paragraphs 9 through 11 above.

17 15. Respondent is subject to disciplinary action pursuant to Code section 2761,
18 subdivision (a), in that on or about April 14, 2010, Respondent committed acts constituting
19 unprofessional conduct in her care of the two patients, as follows: Respondent failed to exercise
20 her functions and duties as a registered nurse, as set forth in paragraphs 12 and 14 above.

21 **PRAYER**

22 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
23 and that following the hearing, the Board of Registered Nursing issue a decision:

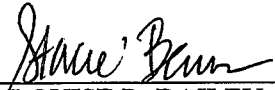
24 1. Revoking or suspending Registered Nurse License Number 730578, issued to Stefani
25 Leanne Harding, also known as Stefani Leanne Faria;

26 2. Ordering Stefani Leanne Harding, also known as Stefani Leanne Faria, to pay the
27 Board of Registered Nursing the reasonable costs of the investigation and enforcement of this
28 case, pursuant to Business and Professions Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: October 29, 2012

for 
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SA2012105203